

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
VIRGINIA ROANOKE DIVISION

MAY 21 2015

JULIA C. DODLEY, CLERK
BY: 
DEPUTY CLERK

William B. Allison,
Movant (YourName)

v.

U.S. Department of Justice Privacy Act of 1978,
Respondent

Misc. No.

7:15mc17

MFU

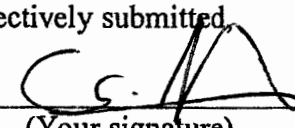
MOTION FOR ORDER PURSUANT TO CUSTOMER CHALLENGE TO
PROVISIONS OF THE RIGHT TO FINANCIAL PRIVACY ACT OF 1978

I, William B. Allison, hereby move this Court, pursuant to Section
1110 of the Right To Financial Privacy Act of 1978, Title 12, United States Code, Section 3410,
for an Order preventing the government from obtaining access to my financial records. The
agency seeking is the United States Attorney's Office in Roanoke, Virginia.

My financial records are held by BB&T
(Name of Financial Institution)

In support of this motion, the Court is referred to my sworn statement filed with this motion.

Respectively submitted


(Your signature)

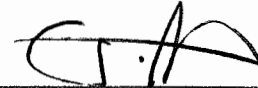
William B. Allison
(Printed Name)

1043 Blandford Ave., Vinton VA 24179
(Address)

(540) 345-2271
(Telephone number)

CERTIFICATE OF SERVICE

I have mailed or delivered a copy of this motion and the attached sworn statement to Jennie L. M. Waering, Assistant United States Attorney, Post Office Box 1709, Roanoke, Virginia 24008 on April 30, 2015.
(Date)

A handwritten signature in black ink, appearing to be "C. A.", written over a horizontal line.

(Your signature)

IN THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT OF
VIRGINIA ROANOKE DIVISION

UNITED STATES DEPARTMENT OF JUSTICE
SWORN STATEMENT OF MOVANT

I, William B. Allison, (am presently / was previously) a customer of
(Your name) (Indicate one)

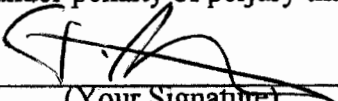
BB&T and I am the customer whose records are being
(Name of Financial Institution)

requested by the Government. The financial records sought by United States Attorney's Office in Roanoke, Virginia are not relevant to the legitimate law enforcement inquiry stated in the Customer Notice that was sent to me because:

_____. or
should not be disclosed on the following other legal basis:

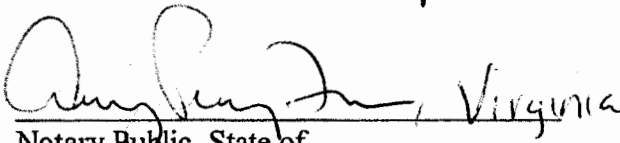
Any of my personal financial records with BB&T produced by this subpoena will not lead to discoverable evidence in the ongoing investigation of alleged health care offenses, and constitute a violation of privacy.

I declare under penalty of perjury that the foregoing is true and correct.


(Your Signature)

William B. Allison
(Your name spelled)

Sworn and subscribed to before me this 29th day of April, 2015.

 Virginia
Notary Public, State of
My Commission expires on October 31, 2017

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
VIRGINIA ROANOKE DIVISION**

William B. Allison,
Movant (YourName)

v.

U.S. Department of Justice Privacy Act of 1978,
Respondent

:
:
:
:
:

Misc. No. _____


**MOTION FOR ORDER PURSUANT TO CUSTOMER CHALLENGE TO
PROVISIONS OF THE RIGHT TO FINANCIAL PRIVACY ACT OF 1978**

I, William B. Allison, hereby move this Court, pursuant to Section 1110 of the Right To Financial Privacy Act of 1978, Title 12, United States Code, Section 3410, for an Order preventing the government from obtaining access to my financial records. The agency seeking is the United States Attorney's Office in Roanoke, Virginia.

My financial records are held by SunTrust
(Name of Financial Institution)

In support of this motion, the Court is referred to my sworn statement filed with this motion.

Respectively submitted,


(Your signature)

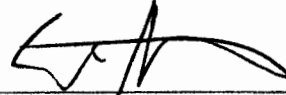
William B. Allison
(Printed Name)

1043 Blandford Ave., Vinton VA 24179
(Address)

(540) 345-2271
(Telephone number)

CERTIFICATE OF SERVICE

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(Date)

A handwritten signature in black ink, consisting of a stylized 'L' followed by a series of loops and a final flourish.

(Your signature)

IN THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT OF
VIRGINIA ROANOKE DIVISION

UNITED STATES DEPARTMENT OF JUSTICE
SWORN STATEMENT OF MOVANT

I, William B. Allison, (am presently / was previously) a customer of
(Your name) (Indicate one)

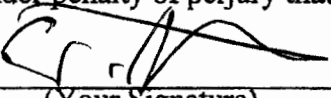
SunTrust and I am the customer whose records are being
(Name of Financial Institution)

requested by the Government. The financial records sought by United States Attorney's Office in Roanoke, Virginia are not relevant to the legitimate law enforcement inquiry stated in the Customer Notice that was sent to me because:

_____. or
should not be disclosed on the following other legal basis:

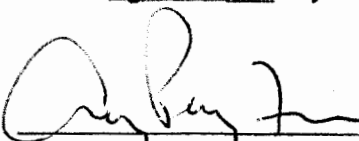
Any of my personal financial records with SunTrust produced by this subpoena will not lead to discoverable evidence in the ongoing investigation of alleged health care offenses, and constitute a violation of privacy.

I declare under penalty of perjury that the foregoing is true and correct.


(Your Signature)

William B. Allison
(Your name spelled)

Sworn and subscribed to before me this 29th day of April, 2015.


Notary Public, State of Virginia
My Commission expires on October 31, 2017

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
VIRGINIA ROANOKE DIVISION

William B. Allison,
Movant (YourName)

v.

U.S. Department of Justice Privacy Act of 1978,
Respondent

:
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: Misc. No. _____
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:

**MOTION FOR ORDER PURSUANT TO CUSTOMER CHALLENGE TO
PROVISIONS OF THE RIGHT TO FINANCIAL PRIVACY ACT OF 1978**

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My financial records are held by Wells-Fargo
(Name of Financial Institution)

In support of this motion, the Court is referred to my sworn statement filed with this motion.

Respectively submitted,


(Your signature)

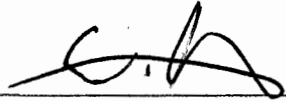
William B. Allison
(Printed Name)

1043 Blandford Ave., Vinton VA 24179
(Address)

(540) 345-2271
(Telephone number)

CERTIFICATE OF SERVICE

I have mailed or delivered a copy of this motion and the attached sworn statement to Jennie L. M. Waering, Assistant United States Attorney, Post Office Box 1709, Roanoke, Virginia 24008 on April 30, 2015.
(Date)


(Your signature)

IN THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT OF
VIRGINIA ROANOKE DIVISION

UNITED STATES DEPARTMENT OF JUSTICE
SWORN STATEMENT OF MOVANT

I, William B. Allison, (am presently / was previously) a customer of
(Your name) (Indicate one)

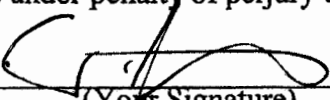
Wells-Fargo and I am the customer whose records are being
(Name of Financial Institution)

requested by the Government. The financial records sought by United States Attorney's Office in
Roanoke, Virginia are not relevant to the legitimate law enforcement inquiry stated in the Customer
Notice that was sent to me because:

_____. or
should not be disclosed on the following other legal basis:

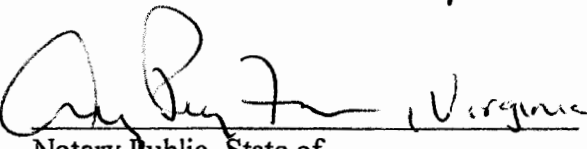
Any of my personal financial records with Wells-Fargo produced by this subpoena will not lead
to discoverable evidence in the ongoing investigation of alleged health care offenses, and
constitute a violation of privacy.

I declare under penalty of perjury that the foregoing is true and correct.


(Your Signature)

William B. Allison
(Your name spelled)

Sworn and subscribed to before me this 29th day of April, 2015.


Notary Public, State of Virginia
My Commission expires on October 31, 2017



*United States Attorney
Western District of Virginia*

*Anthony P. Girono
Acting United States Attorney*

*BB&T Building
310 First Street, S.W., Room 906
P.O. Box 1709
Roanoke, Virginia 24008-1709
Telephone: 540/857-2250
Fax: 540/857-2614*

April 22, 2015

UNITED STATES CUSTOMER NOTICE OF RIGHT TO FINANCIAL PRIVACY

Dear: Mr. William B. Allison
1043 Blandford Ave., Vinton, VA 24179

Records or information concerning your transactions held by the financial institution named in the attached subpoena, summons, or formal written request are being sought by this office in accordance with the Right to Financial Privacy Act of 1978 (12 U.S.C.A. § 3401, et seq.) for the following purpose:

It is believed that the financial institution named in the subpoena has information concerning your financial transactions with, or for, the defendant, and/or business entities owned or controlled by the defendant, which are needed to accurately investigate allegations of State and/or Federal health care fraud violations.

If you desire that such records or information not be made available, you must:

1. Fill out the accompanying motion paper and sworn statement (as indicated by the instructions beneath each blank space) or write one of your own, stating that you are the customer whose records are being requested by the Government, and either giving the reasons you believe that the records are not relevant to the legitimate law enforcement inquiry stated in this notice or any other legal basis for objecting to the release of the records.
2. File the motion and statement by mailing or delivering them to the Clerk of the Court (It would simplify the proceeding if you would include with your motion and sworn statement a copy of the attached subpoena, summons, or formal written request, as well as a copy of this notice) at the following address:

Julia C. Dudley, Clerk of Court
United States District Court for the
Western District of Virginia
P. O. Box 1234
Roanoke, Virginia 24006



*United States Attorney
Western District of Virginia*

*Anthony P. Girono
Acting United States Attorney*

*BB&T Building
310 First Street, S.W., Room 906
P.O. Box 1709
Roanoke, Virginia 24008-1709
Telephone: 540/857-2250
Fax: 540/857-2614*

3. Serve the Government authority requesting the records by mailing (by registered or certified mail) or by delivering a copy of your motion and statement to:

Jennie L. M. Waering
Assistant United States Attorney
United States Attorney's Office
P. O. Box 1709
Roanoke, Virginia 24008-1709

4. Be prepared to come to Court and present your position in further detail.

5. You do not need to have a lawyer, although you may wish to employ one to represent you and protect your rights.

If you do not follow the above procedures, upon the expiration of ten (10) days from the date of service or fourteen (14) days from the date of mailing of this notice, the records or information requested therein will be made available. These records may be transferred to other government authorities for legitimate law enforcement inquiries, in which event you will be notified after the transfer. If you have questions, please contact Senior Investigator Tony Hantke at (540) 857-2956.

Very truly yours,

Jennie L. M. Waering

Jennie L. M. Waering
Assistant United States Attorney

Enclosures:
Subpoena
Motion To Challenge Form
Sworn Statement Form
The Right to Financial Privacy Act, 12 U.S.C. Sec. 3401 – 3422

United States of America
Department of Justice

Subpoena Duces Tecum

United States Attorney's Office for the Western District of Virginia
310 First Street, 9th Floor, Roanoke, Virginia 24011
(540) 857-2250

To: Branch Banking & Trust Company of Virginia
Serve via mail: Authorized Records Custodian
Deposit Compliance Department
4320 Kahn Drive, Building #1
Lumberton, NC 28358

Subpoena No.: 2014R00513-035

You are hereby commanded to appear before Assistant United States Attorney Jennie L. M. Waering, or another Assistant United States Attorney, at the time and place set forth below. You are required to bring with you the following records:

PLEASE SEE ATTACHMENT A FOR RECORDS TO BE PRODUCED.

This production of records is necessary to the United States Department of Justice's performance of its responsibility to investigate Federal health care offenses, as defined in 18 USC §24. In addition to the production of such documents, you are required to provide the signed Certificate of Authentication and to complete the Document Receipt describing the documents produced.

Should you have any questions regarding this subpoena you may contact Tony Hantke, Senior Civil Investigator with the United States Attorney's Office at (540) 857-2956 or tony.hantke@usdoj.gov.

This subpoena may be served by any person who is at least 18 years of age and who is designated in this subpoena to serve it. Investigators of the Virginia Medicaid Fraud Control Unit and Federal Agents of the Department of Health and Human Services and the Social Security Administration are designated to serve this subpoena. 18 USC §3486(b).

Place and Time for Appearance:

Deliver the records to the United States Attorney's Office, 310 First Street, 9th Floor, Roanoke, VA, 24011 on Monday, May 4, 2015, at 10:00 am. To avoid your personal appearance, the records may be mailed in advance of this date to the U.S. Attorney's Office, Post Office Box 1709, Roanoke, Virginia, 24008.



IN TESTIMONY WHEREOF,

Assistant United States Attorney Jennie L. M. Waering, on behalf of Anthony P. Giorno, Acting United States Attorney for the Western District of Virginia, has hereunto set her hand, this 31st day of March, 2015.

Jennie L. M. Waering
(signature)

Failure to comply with the requirements of this subpoena will render you liable to proceedings in the United States District Court to enforce obedience, pursuant to Title 18, United States Code, Section 3486(c). Issued under authority of Section 248 of the Health Insurance Portability & Accountability Act of 1996, Public Law No. 104-91 (18 U.S.C. § 3485).

United States of America
Department of Justice

Subpoena Duces Tecum

United States Attorney's Office for the Western District of Virginia
310 First Street, 9th Floor, Roanoke, Virginia 24011
(540) 857-2250

To: SunTrust Bank
Serve via mail: Authorized Records Custodian
Attn: Richard McDonald
7455 Chancellor Drive
Orlando, FL 32809

Subpoena No.: 2014R00513-036

You are hereby commanded to appear before Assistant United States Attorney Jennie L. M. Waering, or another Assistant United States Attorney, at the time and place set forth below. You are required to bring with you the following records:

PLEASE SEE ATTACHMENT A FOR RECORDS TO BE PRODUCED.

This production of records is necessary to the United States Department of Justice's performance of its responsibility to investigate Federal health care offenses, as defined in 18 USC §24. In addition to the production of such documents, you are required to provide the signed Certificate of Authentication and to complete the Document Receipt describing the documents produced.

Should you have any questions regarding this subpoena you may contact Tony Hantke, Senior Civil Investigator with the United States Attorney's Office at (540) 857-2956 or tony.hantke@usdoj.gov.

This subpoena may be served by any person who is at least 18 years of age and who is designated in this subpoena to serve it. Investigators of the Virginia Medicaid Fraud Control Unit and Federal Agents of the Department of Health and Human Services and the Social Security Administration are designated to serve this subpoena. 18 USC §3486(b).

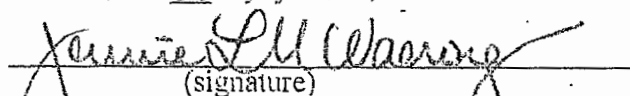
Place and Time for Appearance:

Deliver the records to the United States Attorney's Office, 310 First Street, 9th Floor, Roanoke, VA, 24011 on Monday, May 4, 2015, at 10:00 am. To avoid your personal appearance, the records may be mailed in advance of this date to the U.S. Attorney's Office, Post Office Box 1709, Roanoke, Virginia, 24008.



IN TESTIMONY WHEREOF,

Assistant United States Attorney Jennie L. M. Waering, on behalf of Anthony P. Giorno, Acting United States Attorney for the Western District of Virginia, has hereunto set her hand, this 31 day of March, 2015.


(signature)

Failure to comply with the requirements of this subpoena will render you liable to proceedings in the United States District Court to enforce obedience, pursuant to Title 18, United States Code, Section 3486(c). Issued under authority of Section 248 of the Health Insurance Portability & Accountability Act of 1996, Public Law No. 104-91 (18 U.S.C. § 3486).

United States of America
Department of Justice

Subpoena Duces Tecum

United States Attorney's Office for the Western District of Virginia
310 First Street, 9th Floor, Roanoke, Virginia 24011
(540) 857-2250

To: Wells Fargo Bank, N.A.
Serve: Corporation Service Company
Bank of America Center 16th Floor
1111 E. Main Street, Richmond, Virginia 23219

Subpoena No.: 2014R00513-037

You are hereby commanded to appear before Assistant United States Attorney Jennie L. M. Waering, or another Assistant United States Attorney, at the time and place set forth below. You are required to bring with you the following records:

PLEASE SEE ATTACHMENT A FOR RECORDS TO BE PRODUCED.

This production of records is necessary to the United States Department of Justice's performance of its responsibility to investigate Federal health care offenses, as defined in 18 USC §24. In addition to the production of such documents, you are required to provide the signed Certificate of Authentication and to complete the Document Receipt describing the documents produced.

Should you have any questions regarding this subpoena you may contact Tony Hantke, Senior Civil Investigator with the United States Attorney's Office at (540) 857-2956 or tony.hantke@usdoj.gov.

This subpoena may be served by any person who is at least 18 years of age and who is designated in this subpoena to serve it. Investigators of the Virginia Medicaid Fraud Control Unit and Federal Agents of the Department of Health and Human Services and the Social Security Administration are designated to serve this subpoena. 18 USC §3486(b).

Place and Time for Appearance:

Deliver the records to the United States Attorney's Office, 310 First Street, 9th Floor, Roanoke, VA, 24011 on Monday, May 4, 2015, at 10:00 am. To avoid your personal appearance, the records may be mailed in advance of this date to the U.S. Attorney's Office, Post Office Box 1709, Roanoke, Virginia, 24008.



IN TESTIMONY WHEREOF,

Assistant United States Attorney Jennie L. M. Waering, on behalf of Anthony P. Giorno, Acting United States Attorney for the Western District of Virginia, has hereunto set her hand, this 31st day of March, 2015.

Jennie L. M. Waering
(signature)

Failure to comply with the requirements of this subpoena will render you liable to proceedings in the United States District Court to enforce obedience, pursuant to Title 18, United States Code, Section 3486(c). Issued under authority of Section 248 of the Health Insurance Portability & Accountability Act of 1996, Public Law No. 104-91 (18 U.S.C. § 3486).



*United States Attorney
Western District of Virginia*

*Anthony P. Girono
Acting United States Attorney*

*BB&T Building
310 First Street, S.W., Room 906
P.O. Box 1709
Roanoke, Virginia 24008-1709
Telephone: 540/857-2250
Fax: 540/857-2614*

May 12, 2015

UNITED STATES CUSTOMER NOTICE OF RIGHT TO FINANCIAL PRIVACY

Dear Mr. William B. Allison
1043 Blandford Ave.,
Vinton, VA 24179

NOTICE: You received the below letter sometime on or after April 22, 2015. **It has come to my attention that the address for the Clerk was wrong in the original letter.** The correct address is below. If you attempted to file your challenge by mailing it to the wrong address, please refile your challenge at the correct address. I am also advised that there is a \$46.00 filing fee that cannot be waived.

We have not accessed your records and will give you an additional fourteen (14) days to file your challenge. If the Clerk has not received your filing by May 29, 2015, we will proceed to obtain and review your financial records.

The information in the original letter, now with the corrected address, follows:

Records or information concerning your transactions held by the financial institution named in the attached subpoena, summons, or formal written request are being sought by this office in accordance with the Right to Financial Privacy Act of 1978 (12 U.S.C.A. § 3401, et seq.) for the following purpose:

It is believed that the financial institution named in the subpoena has information concerning your financial transactions with, or for, the defendant, and/or business entities owned or controlled by the defendant, which are needed to accurately investigate allegations of State and/or Federal health care fraud violations.

If you desire that such records or information not be made available, you must:

1. Fill out the accompanying motion paper and sworn statement (as indicated by the instructions beneath each blank space) or write one of your own, stating that you are the customer whose records are being requested by the Government, and either giving the reasons you believe that the records are not relevant to the legitimate law enforcement inquiry stated in this notice or any other legal basis for objecting to the release of the records.



*United States Attorney
Western District of Virginia*

*Anthony P. Girono
Acting United States Attorney*

*BB&T Building
310 First Street, S.W. , Room 906
P.O. Box 1709
Roanoke, Virginia 24008-1709
Telephone: 540/857-2250
Fax: 540/857-2614*

2. File the motion and statement by mailing or delivering them to the Clerk of the Court, along with the filing fee of \$46.00, at the following address:

Julia C. Dudley, Clerk of Court
United States District Court for the
Western District of Virginia
210 Franklin Road SW, Suite 540
Roanoke, Virginia 24011

3. Serve the Government authority requesting the records by mailing (by registered or certified mail) or by delivering a copy of your motion and statement to:

Jennie L. M. Waering
Assistant United States Attorney
United States Attorney's Office
P. O. Box 1709
Roanoke, Virginia 24008-1709

4. Be prepared to come to Court and present your position in further detail.

5. You do not need to have a lawyer, although you may wish to employ one to represent you and protect your rights.

If you do not follow the above procedures, upon the expiration of ten (10) days from the date of service or fourteen (14) days from the date of mailing of this notice, the records or information requested therein will be made available. These records may be transferred to other government authorities for legitimate law enforcement inquiries, in which event you will be notified after the transfer. If you have questions, please contact Senior Investigator Tony Hantke at (540) 857-2956.

Very truly yours,

ANTHONY P. GIORNO
Acting United States Attorney

Jennie L. M. Waering

Jennie L. M. Waering
Assistant United States Attorney



*United States Attorney
Western District of Virginia*

*Anthony P. Girono
Acting United States Attorney*

*BB&T Building
310 First Street, S.W. , Room 906
P.O. Box 1709
Roanoke, Virginia 24008-1709
Telephone: 540/857-2250
Fax: 540/857-2614*

Enclosures:

Subpoena
Motion To Challenge Form
Sworn Statement Form
The Right to Financial Privacy Act, 12 U.S.C. Sec. 3401 – 3422